



BOARD OF DIRECTORS
PATH TO CLEAN AIR COMMUNITY EMISSIONS REDUCTION PLAN COMMUNITY
STEERING COMMITTEE

COMMUNITY STEERING COMMITTEE MEMBERS

BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

ALFREDO ANGULO
AMANDA BOOTH
DARLENA DAVID
DARLENE RIOS
DRAPKIN
DAVE SEVERY
ERIKA RAMIREZ
FRANCISCO AVILA
HAKIM JOHNSON
HEIDI V SWILLINGER
JEFFREY L KILBRETH

JESSICA RANGE
JIM HOLLAND
KEVIN RUANO
HERNANDEZ
LIZBETH IBARRA
LUCIA CASTELLO
LUZ GOMEZ
MARISOL CANTÚ
MICAELA ZARAGOZA-
SOTO

MICHELLE GOMEZ
GARCIA
NANCY AGUIRRE
OMONIYI OMOTOSO
PATRICIA A. DANIELS
PHILLIP MITCHELL
ROBERTA FELICIANO
SIMREN SANDHU
SUZANNE COFFEE
VERNON WHITMORE
Y'ANAD BURRELL

**THIS MEETING WILL BE CONDUCTED UNDER PROCEDURES AUTHORIZED BY
ASSEMBLY BILL 361 (RIVAS 2021) ALLOWING REMOTE MEETINGS. THIS
MEETING WILL BE ACCESSIBLE VIA WEBCAST, TELECONFERENCE, AND
ZOOM. A ZOOM PANELIST LINK WILL BE SENT SEPARATELY TO COMMITTEE
OR BOARD MEMBERS**

- **THE PUBLIC MAY OBSERVE THIS MEETING THROUGH THE WEBCAST BY
CLICKING THE LINK AVAILABLE ON THE AIR DISTRICT'S AGENDA WEBPAGE
AT**

**[https://www.baaqmd.gov/community-health/community-health-protection-program/richmond-
area-community-health-protection-program](https://www.baaqmd.gov/community-health/community-health-protection-program/richmond-area-community-health-protection-program)**

- **THE PUBLIC MAY PARTICIPATE REMOTELY VIA ZOOM AT THE
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<https://us06web.zoom.us/j/86338929055>

(669) 900-6833 or (408) 638-0968

WEBINAR ID:863 3892 9055

- **THOSE PARTICIPATING BY PHONE WHO WOULD LIKE TO MAKE A
COMMENT CAN USE THE “RAISE HAND” FEATURE BY DIALING “*9”. IN ORDER
TO RECEIVE THE FULL ZOOM EXPERIENCE, PLEASE MAKE SURE YOUR
APPLICATION IS UP TO DATE**

- **VERSIÓN EN ESPAÑOL DEL WEBINAR**

PATH TO CLEAN AIR COMMUNITY EMISSIONS REDUCTION PLAN COMMUNITY STEERING COMMITTEE MEETING AGENDA

MONDAY, JANUARY 30, 2023

5:30 PM

1. Call to Order - Roll Call

2. Public Meeting Procedure

The Committee Chair shall call the meeting to order and the Clerk of the Boards shall take roll of the Committee members.

This meeting will be webcast. To see the webcast, please visit www.baaqmd.gov/bodagendas at the time of the meeting. Closed captioning may contain errors and omissions and are not certified for their content or form.

***Public Comment on Agenda Items:** The public may comment on each item on the agenda as the item is taken up. Members of the public who wish to speak on matters on the agenda for the meeting, will have two minutes each to address the Committee. No speaker who has already spoken on that item will be entitled to speak to that item again.*

CONSENT CALENDAR (Item 3)

3. Approval of the Minutes of November 28, 2022

The Committee will consider approving the draft minutes of the Path to Clean Air Steering Committee meeting of November 28, 2022.

REGULAR AGENDA (Items 4 - 8)

4. Ad Hoc Updates

The Path to Clean Air Steering Committee and the public will receive updates on the active Ad Hoc working groups.

5. Review and Vote on Fuel Refining Distribution Storage Scope of Work for Flaring Analysis

The Community Steering Committee will receive a presentation, discuss, and then vote on the fuel refining distribution storage scope of work proposal for flaring analysis.

6. Review and Vote on Ad Hoc's Request for a Communications Community Engagement Plan

The Community Steering Committee will receive a presentation, discuss, and then vote on the Ad Hoc's Request for a Communications Community Engagement Plan proposal.

7. Assembly Bill (AB) 2449 Update - Changes to Remote Attendance Rules Under Ralph M. Brown Act's Open Meeting Laws

The Community Steering Committee will receive a presentation and discuss AB 2449 changes to remote attendance rules under Ralph M. Brown Act's Opening Meeting Laws.

8. Proposed Community Emissions Reduction Plan (CERP) Timeline and Process for Future Community Steering Committee (CSC) Governance Structure

The Community Steering Committee (CSC) will receive a presentation, discuss, and then vote on sending a letter to the California Air Resources Board (CARB) extending the timeline for completing and adopting the Community Emissions Reduction Plan (CERP). Community Steering Committee members will also be invited to join a Governance Ad Hoc to develop a proposed governance structure for the CSC to review and approve at the February CSC meeting.

OTHER BUSINESS

9. Environmental Justice Updates

The Path to Clean Air Steering Committee and the public will share and receive Environmental Justice updates.

10. Public Comment on Non-Agenda Matters

Pursuant to Government Code Section 54954.3, members of the public who wish to speak on matters not on the agenda for the meeting, will have five minutes each to address the Committee.

11. Committee Member Comments

Any member of the Committee, or its staff, on his or her own initiative or in response to questions posed by the public, may: ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)

12. Time and Place of Next Meeting

Monday, February 27, 2023, at 5:30 p.m., via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021).

13. Adjournment

CONTACT:

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BAAQMD homepage:
www.baaqmd.gov

- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the Air District's offices at 375 Beale Street, Suite 600, San Francisco, CA 94105, at the time such writing is made available to all, or a majority of all, members of that body.

Accessibility and Non-Discrimination Policy

The Bay Area Air Quality Management District (Air District) does not discriminate on the basis of race, national origin, ethnic group identification, ancestry, religion, age, sex, sexual orientation, gender identity, gender expression, color, genetic information, medical condition, or mental or physical disability, or any other attribute or belief protected by law.

It is the Air District's policy to provide fair and equal access to the benefits of a program or activity administered by Air District. The Air District will not tolerate discrimination against any person(s) seeking to participate in, or receive the benefits of, any program or activity offered or conducted by the Air District. Members of the public who believe they or others were unlawfully denied full and equal access to an Air District program or activity may file a discrimination complaint under this policy. This non-discrimination policy also applies to other people or entities affiliated with Air District, including contractors or grantees that the Air District utilizes to provide benefits and services to members of the public.

Auxiliary aids and services including, for example, qualified interpreters and/or listening devices, to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the benefits, activities, programs and services will be provided by the Air District in a timely manner and in such a way as to protect the privacy and independence of the individual. Please contact the Non-Discrimination Coordinator identified below at least three days in advance of a meeting so that arrangements can be made accordingly.

If you believe discrimination has occurred with respect to an Air District program or activity, you may contact the Non-Discrimination Coordinator identified below or visit our website at www.baaqmd.gov/accessibility to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the Air District's Non-Discrimination Coordinator, Suma Peesapati, at (415) 749-4967 or by email at speesapati@baaqmd.gov.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

375 BEALE STREET, SAN FRANCISCO, CA 94105

FOR QUESTIONS PLEASE CALL (415) 749-4941

EXECUTIVE OFFICE:

MONTHLY CALENDAR OF AIR DISTRICT MEETINGS

JANUARY 2023

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Special Meeting	Wednesday	25	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Advisory Council Meeting	Monday	30	8:30 a.m.	Webcast only pursuant to Assembly Bill 361
Path to Clean Air Community Emissions Reduction Plan Steering Committee	Monday	30	5:30 p.m.	Webcast only pursuant to Assembly Bill 361

FEBRUARY 2023

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Meeting	Wednesday	1	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Administration Committee - CANCELLED	Wednesday	1	12:00 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Budget and Finance Committee	Wednesday	1	1:00 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Stationary Source and Climate Impacts Committee	Wednesday	8	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Mobile Source and Climate Impacts Committee - CANCELLED	Wednesday	8	1:00 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Meeting	Wednesday	15	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Community Equity, Health and Justice Committee	Wednesday	15	1:00 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Legislative Committee	Wednesday	15	3:30 p.m.	Webcast only pursuant to Assembly Bill 361
Path to Clean Air Community Emissions Reduction Plan Steering Committee	Monday	27	5:30 p.m.	Webcast only pursuant to Assembly Bill 361

HL 1/23/2023 – 3:50 p.m.

G/Board/Executive Office/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Members of the Path to Clean Air Steering Committee

From: Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Date: January 30, 2023

Re: Approval of the Minutes of November 28, 2022

RECOMMENDED ACTION

Approve the attached draft minutes of the Path to Clean Air Steering Committee meeting of November 28, 2022.

BACKGROUND

None.

DISCUSSION

None.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Prepared by: Karissa White
Reviewed by: Veronica Eady

ATTACHMENTS:

1. Draft Minutes of the Path to Clean Air Community Emissions Reduction Plan Steering Committee meeting of November 28, 2022

Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105

DRAFT MINUTES

Richmond – No. Richmond – San Pablo Community Emissions Reduction Plan Community Steering Committee

November 28, 2022, 5:30 P.M

1. CALL TO ORDER - ROLL CALL

The Richmond – No. Richmond – San Pablo Community Emissions Reduction Plan Community Steering Committee (CSC or Committee) Co-Chairs Alfredo Angulo and Y’Anad Burrell called the meeting to order at 5:34 pm.

Present: Co-Chair Alfredo Angulo and Y’Anad Burrell, and Members Nancy Aguirre, Francisco Avila, Marisol Cantú, Lucia Castello, Suzanne Coffee, Roberta Feliciano, Michelle Gomez Garcia, Lizbeth Ibarra, Jeffrey Kilbreth, Dr. Omoniyi Omotoso, Jessica Range, Simren Sandhu, Dave Severy, Heidi Swillinger, Micaela Zaragoza-Soto, Jim Holland (non-voting), Hakim Johnson (non-voting)

Absent: Amanda Booth, Patricia A. Daniels, Dr. Darlena David, Darlene Rios Drapkin, Luz Gomez, Phillip Mitchell, Erika Ramirez, Kevin Ruano Hernandez, Vernon Whitmore

Also Present: Air District Staff, Ranyee Chiang, Alona Davis, Victor Douglas, Eric Lara, Greg Nudd, Karissa White, Kate Hoag, David Holstius, Kelly Malinowski, Kevin Olp, Laura Cackette, Lily MacIver, Suma Peesapati, Marcia Raymond, Raymond Salalila, Stephen Reid, Alex Sohn, Wendy Goodfriend, Almira Van, Barry Young, and Elizabeth Yura; MIG staff, Bridget Brown, and Myrna Ortiz; Interpreter Norma Herrera; Members of the Public Leisa Bush, Hector Rojas, Karan Shetty, Will Nelson, Lina Velasco, Eric Bissinger, Sharon Landers, Boris Lukanov, Paul Hibser, Libby Tyler, Kyle Goff, Julia Luongo

2. PUBLIC MEETING PROCEDURE

Public Comments

None.

3. APPROVAL OF THE MINUTES OF OCTOBER 17, 2022

The Committee reviewed the meeting agenda and approved the October 17, 2022, Meeting Minutes with edits in a roll call vote.

Committee Comments

None.

Staff Comments

None.

Committee Action

Francisco Avila made a motion, seconded by Nancy Aguirre to approve the minutes of the October 17, 2022, minutes. The motion carried by the following vote of the Committee:

AYES: Co-Chair Alfredo Angulo and Y'anad Burrell, and Members Nancy Aguirre, Francisco Avila, Suzanne Coffee, Roberta Feliciano, Michelle Gomez Garcia, Lizbeth Ibarra, Jeffrey Kilbreth, Dr. Omoniyi Omotoso, Jessica Range, Simren Sandhu, Dave Severy, Heidi Swillinger, Micaela Zaragoza-Soto

NOES: None.

ABSTAIN: Lucia Castello,

ABSENT: Amanda Booth, Marisol Cantó, Patricia A. Daniels, Dr. Darlena David, Darlene Rios Drapkin, Luz Gomez, Phillip Mitchell, Erika Ramirez, Kevin Ruano Hernandez, Simren Sandhu, Dave Severy, Heidi Swillinger, Vernon Whitmore

Public Comments

None.

4. **AD HOC UPDATES**

The Path to Clean Air Steering Committee and the public received updates on the active Ad Hoc working groups.

Committee Comment

Co-Chair Alfredo Angulo; Shared update from Ad Hoc that they have been reviewing dry runs for presentations this week. At-large there are no updates, but individual co-leads may have updates. BAAQMD Staff Kevin Olp; Shared an update on behalf of Marisol Cantu who has requested to bring forward a discussion to use budget funding to hire a consultant to inform strategy development outside of just Air District expertise. This request came up through our Problems to Solutions Ad-Hoc discussion in October. They talked to Legal and unfortunately ran out of time and were unable to add an action item for a vote to the agenda. Instead, Marisol has requested to hold a meeting with any members of the Steering Committee who are interested in discussing how we can work with technical experts to support strategy development. Kevin will send an email with a Survey Monkey to schedule a discussion regarding this in December and will work to bring this forward as an action item for the January meeting.

Committee Member Francisco Avila; Shared an update that they have been working with Samuel, Lilly, Laura, and Dave to brainstorm and develop writing strategies. They will also be meeting next Monday in individual committee groups to continue this.

Committee Member Nancy Aguirre; Shared an update from the Odors and Smells Ad-Hoc. They have been discussing the second strategy, in which they received good information about logging complaints, reporting, determining who and what facilities need to be contacted. This has helped them understand the process and determine changes for the website. There will be upcoming meetings on compliance and enforcement so we can better understand the investigation side and consider suggestions on outreach, community empowerment and how to use the budget. They are looking to experts to learn about proactive engineering that is taking place which they may be unaware of.

Committee Member Jeffrey Kilbreth; Shared an update from the Public Health Team and reiterated Nancy's point about the reporting system. Could a consultant be hired to improve the incident and emergency reporting systems? Need to determine how much information we want to share with the community. They realized they can continue to have fragmented systems or could consider a community database that combines all these elements where BAAQMD works with Public Health and other departments to make a better system for the community. It is unclear where the budget would come from, who would take the initiative, and who could decide to move forward with an integrated system.

Public Comment

None.

Committee Action

None; receive and file.

5. PRESENTATION: DEVELOPING KEY ISSUE STATEMENT AND DRAFT STRATEGY IDEAS: FUEL REFINING, SUPPORT FACILITIES, STORAGE, AND DISTRIBUTION + COMMERCIAL AND INDUSTRIAL SOURCES NEAR COMMUNITIES

Kevin Olp; Shared a reminder that the Committee set aside September through November for informing strategy development for the key 6 issue areas. Today's discussions will be focused on Fuel Refining, Support Facilities, Storage, and Distribution and Commercial and Industrial Sources Near Water.

Committee Action

Nancy Aguirre made a motion, seconded by Micaela Zaragoza-Soto to approve a recess. The motion carried by the following vote of the Committee:

AYES: Co-Chair Alfredo Angulo and Y'anad Burrell, and Members Nancy Aguirre, Francisco Avila, Lucia Castello, Suzanne Coffee, Michelle Gomez Garcia, Jeffrey Kilbreth, Dr. Omoniyi Omotoso, Jessica Range, Simren Sandhu, Dave Severy, Heidi Swillinger, Micaela Zaragoza-Soto

NOES: None.

ABSTAIN: None.

ABSENT: Amanda Booth, Marisol Cantó, Patricia A. Daniels, Dr. Darlena David, Darlene Rios Drapkin, Roberta Feliciano, Luz Gomez, Lizbeth Ibarra, Phillip Mitchell, Erika Ramirez, Kevin Ruano Hernandez, Simren Sandhu, Dave Severy, Heidi Swillinger, Vernon Whitmore

The Committee and the public received a presentation on key issue statements and draft strategy ideas. Recess for Small Group Discussion.

Public Comments

Member of the Public Libby Tyler; Asked which recess room is for the commercial and industrial group.

BAAQMD Staff Laura Cackette; Responded that the commercial and industrial group will start in the Coca Cola room.

Member of the Public Will Nelson; Shared the same question as Libby.

BAAQMD Staff Kelly Malinowski; Shared that Libby, Will, and Lina include the local government help this evening for the commercial and industrial group.

Committee Comments

Co-Chair Y'Anad Burrell; Commented that it was a really productive discussion and the great ideas generated could not have been created in a silo.

Committee Member Hakim Johnson; Shared report out on Commercial and Industrial Sources Near Water and thanked everyone who was actively engaged in the discussion. Just 3 months ago, only Hakim and Kevin Ruano-Hernandez were in the room with Kelly and Laura. The input received today included conserving water to improve air quality and applying an equity lens to strategies as it relates to small businesses such as financial incentives to offset any negative economic impact from reducing air emissions. These ideas would not have been possible without insight from the municipal planners who joined. There will not be a one-size-fits-all approach in commercial and industrial so there are still a lot of considerations to be discussed further.

BAAQMD Staff Kevin Olp; Shared report out on second group, Fuel Refining, Support Facilities, Storage and Distribution. He thanked Lizbeth and Marisol for all their hard work. The discussion started with participants sharing their personal experiences such as heartbreaking stories regarding asthma attacks deaths related to asthma, and why it is a priority to drive down emissions from Chevron, the largest source of emissions in the Northern California area. Strategy ideas were discussed to reduce emissions from the fuel refining sector, including support for Rule 1118 and

PM implementation. There were questions about whether fines to incentivize Chevron are enough to prevent violations. People shared their personal experiences during flaring events which included panicking, frustration, and lack of communication. Steering Committee members shared they do not feel safe during flaring events. In response to rules ideas, people stressed wanting to move forward fast. Questions were shared regarding completing a comprehensive analysis, whether transparency can be improved with updates that are in plain English and are easy to find. People emphasized finding structural solutions to decrease flaring events, not band aid solutions. Accountability was discussed and people shared that they felt the Air District regulations were not being fully complied with. Strategy ideas were discussed to increase trust in the compliance and enforcement process. People asked questions about whether Chevron's permits and fine amounts could be revised, whether reporting can be improved on the website and if fines information and enforcement action can be transparent to understand how the Air District is holding Chevron accountable.

Committee Member Francisco Avila; Shared that Libby with the City of San Pablo shared about a program providing support for small businesses to retrofit to be more efficient. This could be a strategy gap to consider in the City of Richmond to provide assistance to small businesses who are willing to upgrade filters.

Committee Member Heidi Swillinger; Shared that there should be a strategy included about the use of public transportation. This should be an opportunity that is considered.

BAAQMD Staff Laura Cackette; Thanked Heidi for the comment. It may not be listed explicitly in the mobile strategies stated but it can be detailed in the strategies.

6. ENVIRONMENTAL JUSTICE UPDATES

The Path to Clean Air Steering Committee and the public will share and receive Environmental Justice updates.

Committee Comments

Committee Member Nancy Aguirre; Shared that Communities for a Better Environment in Richmond has a meeting Thursday, December 8th. A replacement has been found for Andre Soto. Everyone is welcome. They have great informational workshops and presentations for the public. On Friday the 9th at 5:30 PM, they are having their holiday get together at the Richmond Office. I will send the information to the Co-Chairs to ensure everyone has the details.

BAAQMD Staff Laura Cackette; Gave a shout out to Heidi for submitting public comment to CARB on their in-use locomotive regulation. This is an example of implementing strategies before the Plan is finalized, in addition to the street sweeping effort. There is recent news that EPA is considering stronger requirements for new locomotives.

Co-Chair Alredo Rafael Angulo; There are a lot of local organizations including SOS Richmond who are doing blanket and clothing drives and fundraisers to support our unhoused community members.

Public Comments

None.

7. PUBLIC COMMENTS ON NON-AGENDA MATTERS

Pursuant to Government Code Section 54954.3

Members of the public who wish to speak on matters not on the agenda for the meeting will have two minutes each to address the Committee.

Public Comment

Member of the Public Julia Luongo; Shared CARB is having a workshop on December 6th from 4:00-7:00PM related to AB617. Topics will include an update to the AB617 blueprint which guides implementation and community selection for next year.

Member of the Public Boris Lukanov; Shared that PSE Healthy Energy 3 years ago partnered with APEN to deploy a network of air 50 quality monitors throughout Richmond and San Pablo that measure PM 2.5, NO2, and ozone continuously for over 2 years. PSE partnered with researchers at UC Berkeley to add black carbon sensors to the network. Data collection finished in March 2022 and the final report will be released in the coming weeks. A public webinar will be hosted the week of December 12th. Information about the report and webinar is available at psehealthyenergy.org/Richmond or you can contact blukanov@psehealthyenergy.org. PSE Healthy Energy is available to provide a technical briefing to the Steering Committee or one of the Ad-Hoc Committees, likely will be most relevant to the Mobile Services Ad Hoc, the Industrial and Commercial Services Ad Hoc and the Problems to Solutions Ad Hoc.

BAAQMD Staff Kevin Olp; BAAQMD staff will follow up with Nancy, Julia, and Boris to get those details to share with the committee

8. COMMITTEE MEMBER COMMENTS

Any member of the Committee, or its staff, on his or her initiative or in response to questions posed by the public, may: ask a question for clarification, make a brief announcement or report on his or her activities, and provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)

Committee Comments

None.

Public Comments

None.

Committee Action

None; receive and file.

9. **TIME AND PLACE OF NEXT MEETING**

Karissa White; There will be no December meeting and once finalized the details and agenda for the next meeting in January will be sent.

Monday, January 30, 2022, at 5:30 p.m., Zoom Video Conferencing.

Zoom Log In: <https://us06web.zoom.us/j/86338929055>

Meeting ID: 863 3892 9055

10. **ADJOURNMENT**

The Committee meeting was adjourned by Alfredo Rafael Angulo and seconded by Committee Member at 8:05 pm.

MIG Consulting

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Members of the Path to Clean Air Steering Committee

From: Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Date: January 30, 2023

Re: Review and Vote on Fuel Refining Distribution Storage Scope of Work for Flaring Analysis

RECOMMENDED ACTION

The Community Steering Committee will vote to approve Karras G. Consulting Scope of Work for Flaring Analysis.

BACKGROUND

The proposed scope of work will support the Steering Committee with independent technical analysis and advice regarding maximum feasible measures to prevent and reduce emission, health, and safety risk associated with refining and related activities in Richmond and West County targeting potential actions that may be initiated in 2023 and accounting for both the need for prompt implementation and the need for sustained preventive action and implementation for at least a decade amid anticipated fundamental change in the petroleum industry.

DISCUSSION

Steering Committee members will receive a presentation and review the Fuel Refining Distribution Storage Scope of Work for Flaring Analysis. There will be opportunities for Committee members and the public to discuss the Consultants' scope of work. The Committee will then vote on whether to adopt the subcontracted proposal for technical support.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Prepared by: Karissa White
Reviewed by: Veronica Eady

ATTACHMENTS:

1. Karras G Consulting Scope of Work

AB 617 SC Consulting Statement of Work

Fuel Refining, Storage, and Distribution Subgroup

Flaring Analysis

PROBLEM STATEMENT

While we have many sources of pollution to review and reduce, our biggest opportunity lies with emissions reduction at Chevron Richmond, the largest refinery on the west coast of North America. But after 21 months, we still can't answer two fundamental questions.

1. Why does Chevron continue to have such elevated levels of flaring and how damaging are they for public health?

DELIVERABLES

Support the Committee with independent technical analysis and advice regarding maximum feasible measures to prevent and reduce emission, health, and safety risk associated with refining and related activities in Richmond and West County, targeting potential actions that may be initiated in 2023 and accounting for both the need for prompt implementation and the need for sustained preventive action and implementation for at least a decade amid anticipated fundamental change in the petroleum industry:

- A. The initial focus will be on flare emission incident prevention measures and opportunities for proactive community involvement in such measures;
- B. Facility-wide (refinery, sulfur plant, marine terminal) combustion emission prevention measures will be an additional focus to the extent that time and resources allow;
- C. Facility-wide toxic air contaminant emission 'leak' prevention measures, and other technical questions as directed by the Committee, may also be included, to the extent that time and resources allow.

Payment Terms:

An hourly amount of 50 hours was negotiated. The total estimated hours for this project is 50 hours. At a consultant rate of \$150/ HR the total estimated project cost for this service is at \$7,500. An advanced payment of \$1,000 is requested at the beginning of the project and the client will be invoiced monthly on the 5th of every month for work done in the previous month. The advanced payment of \$1,000 will be credited towards the invoice

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Members of the Path to Clean Air Steering Committee

From: Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Date: January 30, 2023

Re: Review and Vote on Ad Hoc's Request for a Communications Community Engagement Plan

RECOMMENDED ACTION

The Community Steering Committee will vote to approve Lai R. Consulting Scope of Work for a Communications Community Engagement Plan.

BACKGROUND

The goal of this work is to develop a strategic community engagement and communications plan for the Assembly Bill (AB) 617 Steering Committee to engage and inform the public regarding the community emissions reduction plan with an emphasis on stationary source pollution with a racial, social, and environmental justice lens.

DISCUSSION

The Community Steering Committee members will receive a presentation and review the Ad Hoc's Request for a Communications Community Engagement Plan. There will be opportunities for Committee members and the public to discuss the Consultants' scope of work. The Steering Committee will then vote on whether to adopt the subcontracted proposal for communications and community engagement support.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Prepared by: Karissa White
Reviewed by: Veronica Eady

ATTACHMENTS:

1. Lai R. Consulting Scope of Work

AB 617 Consulting Statement of Work Community Steering Committee Communications and Community Engagement Plan

Goal: Develop a strategic community engagement and communications plan for the AB 617 Steering Committee to engage and inform the public regarding the community emission reduction plan with an emphasis on stationary source pollution with a racial, social and environmental justice lens.

Methodology

Step 1: Gather and analyze information

Step 2: Develop the Communications and Community Engagement Plan

Step 3: Develop the Outreach and Social Media Materials

Step 1: Gather and analyze community concerns, strategies, work products

I will develop a survey questionnaire for gathering information from the steering committee to identify the targeted audience, communication competency, and community connections. I will analyze the information and present the findings and analysis to the steering committee and facilitate consensus and receive additional feedback.

Step 2: Develop the Communications and Community Engagement Plan

Develop a draft communications and community engagement plan for the steering committee to review, provide feedback and approve a final version.

Step 3: Develop Outreach and Social Media Materials:

Develop Graphic and written outreach materials such as flyers, talking scripts, powerpoint presentations, information packets and a social media toolkit.

Community Engagement and Communications Consultation			
Tasks	EST HRS	Work Type	Work Description
Task 1	20	Research and Analysis	Research, review and analyze documented materials and conduct key stakeholder interviews as needed.
Task 2	6	Survey Questionnaire and Analysis	Gather input and insight through a survey questionnaire and analyze for communication elements
Task 3	24	Communications Strategy and Toolkit	Develop Communications and Social Media Toolkit
Total	50	Deliverable	Strategic Communications Plan
		Deliverable	Communications Toolkit Audience Map, Talking Points, Elevator Pitch, Powerpoint Presentation, Factsheet

		Deliverable	Social Media Toolkit (Digital Engagement Strategy, (3) FB, IG, TW Posts)
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Payment Terms:

An hourly amount of 50 hours was negotiated. The total estimated hours for this project is 50 hours. At a consultant rate of \$150/ HR the total estimated project cost for this service is at \$7,500. An advanced payment of \$1,000 is requested at the beginning of the project and the client will be invoiced monthly on the 5th of every month for work done in the previous month. The advanced payment of \$1,000 will be credited towards the invoice.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Members of the Path to Clean Air Steering Committee

From: Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Date: January 30, 2023

Re: Assembly Bill (AB) 2449 Update - Changes to Remote Attendance Rules Under
Ralph M. Brown Act's Open Meeting Laws

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Governor's proclaimed state of emergency will expire on February 28, 2023. After that date, the Community Steering Committee will no longer be able to rely on the guidelines in AB 361 for remote attendance. Any committee member wishing to attend remotely as of March 1, 2023, must do so while adhering to either traditional Brown Act requirements for remote attendance or those of AB 2449, which became effective on January 1, 2023. The goal of this presentation is to inform the committee members of these recent events and the Brown Act rules related to remote attendance effective March 1st.

DISCUSSION

The Community Steering Committee will receive a presentation and discuss AB 2449 changes to remote attendance rules under Ralph M. Brown Act's Opening Meeting Laws. There will be an opportunity for committee members and members of the public to ask questions and seek clarification regarding the information provided during the presentation. This is an informational item only.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Prepared by: Karissa White
Reviewed by: Veronica Eady

ATTACHMENTS:

1. AB 2449 changes remote attendance rules under Ralph M. Brown Act's Opening Meeting
Laws Perspectives Reed Smith LLP (002)

28 September 2022 | Reed Smith In-depth

AB 2449 changes remote attendance rules under Ralph M. Brown Act's Opening Meeting Laws

On September 13, 2022, California Governor Gavin Newsom signed California Assembly Bill 2449 (AB 2449) into law. With an effective date of January 1, 2023, AB 2449 imposes four periods of differing rules on remote access to, and member attendance of, local agency public meetings under the Ralph M. Brown Act (Brown Act). This client alert provides a summary of the differing rules for the four specified periods and provides some practical considerations.

Authors: **Maytak Chin, Mariah K. Fairley**

Brown Act Teleconferencing Rules Over the Next Five Year

Now until Jan. 1, 2023 – Traditional Brown Act Rules and AB 361

AB 2449 was not passed as an urgency legislation and has an effective date of January 1, 2023. Until its effective date, the legislative bodies of local public agencies may continue to meet virtually under either:

1. Traditional Brown Act teleconferencing rules that require a quorum of the legislative body to meet in person in the agency's jurisdiction, the posting of the members' remote location on the legislative body's meeting notice and agenda, and public access to each teleconferencing location; or
2. AB 361's abbreviated teleconferencing procedures, which require that the local agency's legislative body makes the following factual determinations by majority vote to justify remote or virtual meetings:
 - That a proclaimed state of emergency exists, and either:
 - State or local officials have imposed or recommended social distancing measures, or
 - As a result of a proclaimed state of emergency, meeting in person would present imminent risks to the health and safety of attendees.

Jan. 1, 2023 to Jan. 1, 2024 – Traditional Brown Act Rules, AB 361, and New Rules under AB 2449

Section 1 of AB 2449 specifies the requirements and procedures for local legislative bodies to hold remote public meetings for calendar year 2023. Gov't Code § 54953(k). Effective January 1, 2023, AB 2449 amends the Brown Act's teleconferencing rules and adds a new alternative for abbreviated teleconferencing procedures that does not require a proclaimed state of emergency. During this period, local legislative bodies may hold virtual, remote public meetings under one of the following alternatives:

1. Traditional Brown Act teleconferencing rules; or
2. AB 361's abbreviated teleconferencing rules described above; or
3. AB 2449's new teleconferencing rules specified in new subdivision (f) of Government Code section 54953 of the Brown Act.

However, if and when the Governor lifts the proclaimed state of emergency due to the COVID-19 pandemic, the legislative bodies of local agencies will no longer be able to rely on AB 361's provisions and will be left only with traditional Brown Act teleconferencing rules and AB 2449's new teleconferencing rules for virtual, remote meetings.

AB 2449's new teleconferencing rules provide a hybrid model of physical and remote attendance for members of local legislative governing bodies, under certain specified circumstances.

As a threshold matter, AB 2449 requires that at least a quorum of members of the local legislative body participate in person from a single physical, public location clearly identified on the agenda and within the local agency's territorial jurisdiction. Gov't Code § 54953(f)(1). Unless there is a physical quorum of members present, the governing body may not utilize AB 2449.

If the physical attendance quorum requirement is met, AB 2449 permits a member who is not physically present to request virtual attendance at the local legislative body's meeting under two circumstances: (1) for "just cause" and (2) due to "emergency circumstances". Both "just cause" and "emergency circumstances" are defined under the statute.

1. A Member's Request to Attend Virtually for "Just Cause"

- **Request Timing and Procedure:** Under AB 2449, in order to attend remotely for "just cause," a member must (1) notify the local agency's legislative body at the earliest opportunity of their need for such participation, and (2) provide a general description of the circumstances justifying their virtual attendance. Gov't Code § 54953(f)(2)(A)(i). The statute allows a member to make their notification as late as the start

of a regular meeting of the local legislative body. *Id.* The legislative body does not need to take action to allow its member to attend the meeting virtually under such circumstances. See *id.*

- **Qualifying Reasons as “Just Cause”:** AB 2449 provides a list of reasons that qualify as “just cause” under its provisions. Specifically, a member has “just cause” for remote participation when:
 - There is a childcare or caregiving need (for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner) that requires the member to participate remotely (Gov’t Code § 54953(j)(2)(A));
 - A contagious illness prevents the member from attending the meeting in person (*Id.*, subd. (j)(2)(B));
 - There is a need related to a defined physical or mental disability that is not otherwise accommodated for (*Id.*, subd. (j)(2)(C)); or
 - Traveling while on official business of the legislative body or another state or local agency (*Id.*, subd. (j)(2)(D)).
- **Number of Instances Permitted:** A member is limited to two virtual attendances based on “just cause” per calendar year. Gov’t Code § 54953(f)(2)(A)(i).

2. A Member’s Request to Attend Virtually Due to an Emergency

- **Request Timing and Procedure:** A member of the legislative body must make a request to the body to allow the member to meet remotely due to an emergency circumstance, and further must provide a general description of the circumstance justifying such attendance. Gov’t Code § 54953(f)(2)(A)(ii). The member seeking to appear remotely must make the request “as soon as possible,” and shall make a separate request for each meeting in which they seek to participate remotely. *Id.*, subd. (f)(2)(A)(ii)(I).

If the request does not allow sufficient time to be placed on the agenda as a proposed action item, then the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of section 54954.2 of the Brown Act. *Id.*, subd. (f)(2)(A)(ii)(II). Unlike a request for remote attendance for “just cause,” a request from a member to attend remotely due to an emergency circumstance requires that the legislative body take action and approve the remote attendance at the start of the meeting for the member to be allowed to participate remotely for that meeting. *Id.*, subd. (f)(2)(A)(ii).

- **Qualifying Reasons as an “Emergency Circumstance:”** AB 2449 defines “emergency circumstances” as “a physical or family medical emergency that prevents a member from attending the meeting in person.” Gov’t Code § 54953(j)(1). A member is not required to disclose any medical diagnosis or disability, or any personal medical information that is already exempt from existing law. *Id.*, subd. (f)(2)(A)(ii).

3. Additional Requirements for a Member Participating Remotely: In addition to making a request either for “just cause” or due to an “emergency circumstance” for remote appearance, AB 2449 imposes the following three additional requirements on legislative body members seeking to appear remotely at public meetings:

- Before any action is taken during the meeting, the member must publically disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member’s relationship with any such individuals. Gov’t Code § 54953(f)(2)(B).
- A member of the legislative body participating from a remote location **must** participate through **both** audio and visual technology. *Id.*, subd. (f)(2)(C).
- A member’s remote participation cannot be for more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year. *Id.*, subd. (f)(3). And if the legislative body regularly meets fewer than 10 times per calendar year, a member’s participation from a remote location cannot be for more than two meetings. *Id.*

4. Technological Requirements for Virtual Meetings: Assuming the above substantive requirements for virtual meetings are met under AB 2449, the new law provides the following technical specifications for information posted on the meeting’s notice and agendas, and for the conduct of the virtual public meeting:

- **Notice, agenda, and public access:** The legislative body must provide either a two-way audiovisual platform or a two-way telephonic service and a live webcasting of the meeting so that the public may remotely hear, observe, and address the legislative body during the meeting. Gov’t Code § 54953(f)(1)(A). The legislative body must also provide notice and post agendas as otherwise required under the Brown Act (setting aside traditional teleconferencing requirements) and must indicate on the notice how the public may access the meeting and offer comment. *Id.*, subd. (f)(1)(B). The agenda must identify and include an opportunity for all persons to attend via a call-in option, an internet-based service option, and at the in-person location of the meeting. *Id.*, subd. (f)(1)(C). The agenda does not need to be posted at all teleconferencing locations. *Id.*, subd. (f)(1). Public access only needs to be assured at the teleconference location identified as the singular physical location at which a quorum of the legislative body will conduct the meeting, and the notices and agenda do not need to list the individual remote locations that members of the legislative body might attend the meeting from. *Id.*
- **Public comment:** An individual may be required to register for public comment before being allowed to provide public comment, where a third-party platform (such as Zoom or Microsoft Teams) is employed. Gov’t Code § 54953(f)(1)(F). However, AB 2449 prohibits a local legislative body from requiring public comments to be submitted in advance of the meeting and specifies that the agency must provide an opportunity for the public to address the legislative body and offer comment in real time. *Id.*, sub. (f)(1)(E). These requirements are similar to those currently provided under AB 361.

- **Disrupted broadcasting procedures:** In the event that the broadcasting of the meeting to the public by phone or by Internet is disrupted, the local legislative body is prohibited from taking further action on agenda items until public access is restored. Gov't Code § 54953(f)(1)(D). Actions taken on agenda items during a disruption are subject to challenge. *Id.* These requirements are also similar to those currently provided under AB 361.

Jan. 1, 2024 to Jan. 1, 2026 – Traditional Brown Act Rules and New Rules under AB 2449

Section 2 of AB 2449 becomes operative on January 1, 2024, which is the date that AB 361 is scheduled to sunset. Accordingly, effective January 1, 2024, local legislative bodies will only have the traditional Brown Act teleconferencing rules and AB 2449's new rules for teleconferencing for "just cause" or due to "emergency circumstances" as options for remote meetings for this period. As a result of AB 361's sunset date, the provisions of AB 2449 will move from subdivision (f) of Gov't Code section 54953 to subdivision (e) of the same statute. This marks a trend towards moving the meetings of local agencies towards in-person meetings and allowing virtual attendance based on need only, as discussed above.

Section 2 of AB 2449 is also scheduled to sunset on January 1, 2026.

Jan. 1, 2026 and Onward – Traditional Brown Act Rules

Section 3 of AB 2449 becomes operative on January 1, 2026. Once AB 2449 sunsets on January 1, 2026, the available teleconferencing rules revert to those provided under the traditional Brown Act teleconferencing rules. Thus, in order for a legislative body to hold a remote meeting under the relevant part of the traditional Brown Act teleconferencing rules, they must do the following:

1. All votes must be by roll call vote;
2. The teleconference locations must be posted on the agendas and each teleconference location must be identified on the notice and agenda of the meeting or proceeding;
3. Each teleconference location must be made accessible to the public; and
4. During the teleconference, at least a quorum of the members of the legislative body must participate from locations within the boundaries of the legislative body's territorial jurisdiction.

Practical considerations

Under AB 2449's new teleconferencing rules, in effect from Jan. 1, 2023 to Jan. 1, 2026, it is important to coordinate amongst members of the local legislative body to ensure that a physical quorum is secured ahead of each meeting. Moreover, any request for a member to participate remotely under AB 2449 – either for "just cause" or due to a specified "emergency circumstance" should be stated on the record at the beginning of each

public meeting. If a member seeks to participate due to a specified "emergency circumstance" and the legislative body votes not to accept the basis for virtual attendance under AB 2449, then that member may only participate as a general member of the public and cannot vote on any action item.

AB 2449's requirements for providing a general description of "just cause" or an "emergency circumstance" will require that the legislative body delicately balance the need for transparency with the need to participate remotely against the member's privacy interest. Therefore, whether a reason is justified under the statute may be up for debate at the start of the meeting. Any justification for virtual attendance must be clearly stated on the record to meet the three requirements of AB 2449:

1. Justification for the need to appear virtually – either for "just cause" or due to an "emergency circumstance";
2. A public affirmation of whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individual(s); and
3. A statement that the member will participate with both audio and video capabilities turned on throughout the meeting (video cannot be turned off).

Lastly, AB 2449 is going to require a lot of administrative support and record-keeping of:

- Which member has made a request to appear remotely under AB 2449's procedures.
- How many times each member has appeared remotely under its terms.
- The member's reason for appearing remotely, and any action taken by the legislative body.
- Whether staff can confirm ahead of each meeting that there will be a physical quorum of members for any given meeting, and who will be in physical attendance.

Understanding how to comply with and administer AB 2449's myriad of provisions can be complicated. If you need assistance with interpreting the provisions and implementing AB 2449, please do not hesitate to reach out to the counsel listed with this client alert.

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BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Members of the Path to Clean Air Steering Committee

From: Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Date: January 30, 2023

Re: Proposed Community Emissions Reduction Plan (CERP) Timeline and Process for
Future Community Steering Committee (CSC) Governance Structure

RECOMMENDED ACTION

The Community Steering Committee (CSC) will vote to direct the Co-Chairs to send a letter to the California Air Resources Board (CARB) notifying them of the extension of time to complete and adopt the CERP, and a call for volunteers to participate in a Governance Ad Hoc.

BACKGROUND

On December 10, 2021, the CSC Co-chairs sent a letter to CARB notifying them there would be a delay in the submission of the CERP until November 2022. Although the CSC has made excellent progress developing the CERP there is still more work ahead, and importantly there is a request from the CSC members for additional time to accommodate a robust community process before CERP adoption. The CSC will discuss the timeline for completing and adopting the CERP and will provide direction to the CSC co-chairs on sending a letter notifying CARB of the amended timeline.

In addition to needing more time to accommodate a robust community process, the CSC is nearing the end of its Air District Board of Directors appointment (made on March 3, 2021, by Resolution No. 2021-02) which subjected the CSC to the Brown Act and expires on April 4, 2023. There is no requirement in AB617 or the CARB Blueprint for CSCs to be appointed by Air District Boards. In addition, CSC members have expressed that the Brown Act limits creative ways of engaging during meetings, creates an undue burden, and that the Board appointment process hinders the recruitment and appointment of new members.

Because the Board appointments sunset on April 4, 2023, the CSC has the opportunity to determine what governance structure they prefer, either transitioning to a community governance structure that continues following Brown Act best practices or requesting the Board of Directors extend the appointments to remain a Board appointed Brown Act committee. The co-chairs will call for a Governance Ad Hoc to develop a transition proposal to be brought to the full CSC for discussion and a vote at the February CSC meeting.

DISCUSSION

The CSC will receive a presentation, discuss, and then vote on sending a letter to CARB extending the timeline for completing and adopting the CERP. Community Steering Committee members will also be invited to join a Governance Ad Hoc to develop a proposed governance structure for the CSC to review and approve at the February CSC meeting. There will be an opportunity for committee members and members of the public to ask questions and seek clarification regarding the information provided during the presentation. This is an action item.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Prepared by: Karissa White
Reviewed by: Veronica Eady

ATTACHMENTS:

None